

FILED 08 AUG 07 15:04 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JONATHAN LEE RICHES,)	
)	Civil No. 08-6166-PA
Plaintiff,)	
)	
v.)	
)	
SAN CRISTOBAL, et al.,)	ORDER
)	
Defendants.)	

PANNER, District Judge.

Plaintiff purports to bring this civil rights action pursuant to 28 U.S.C. § 2254. Section 2254 is reserved for challenges to state court judgments, and is therefore not the proper vehicle by which to raise a civil rights violation. Accordingly, plaintiff fails to establish a basis for jurisdiction in this case. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (federal courts are courts of limited jurisdiction, and cases are presumed

to fall outside federal court jurisdiction unless proven otherwise).

In addition, pursuant to 28 U.S.C. § 1914, a party seeking to institute a non-habeas civil action shall pay a filing fee of \$350.00. An action may proceed without the prepayment of a filing fee only upon a proper application to proceed *in forma pauperis*. 28 U.S.C. § 1915(a). A prisoner granted leave to proceed *in forma pauperis* may be required to pay an initial partial filing fee and shall be required to make monthly payments toward satisfaction of the filing fee when sufficient funds are credited to his trust account. 28 U.S.C. § 1915(b). Plaintiff has neither submitted the filing fee nor moved to proceed *in forma pauperis* in this case.

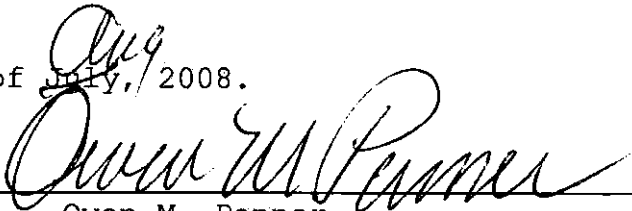
CONCLUSION

Plaintiff's Complaint (#1) is DISMISSED for failure to establish a basis for jurisdiction in this court. Should he wish to continue with this case, plaintiff must: (1) file an amended complaint which establishes a basis for jurisdiction and clearly presents his claim; and (2) pay the \$350.00 filing fee, or file an application to proceed *in forma pauperis* which complies with the requirements of 28 U.S.C. § 1915. Plaintiff's failure to comply with the terms of this Order within 30 days will result in the dismissal of this case.

Because the court dismisses plaintiff's Complaint for lack of jurisdiction, his pending Motion for Preliminary Injunction (#2) is DENIED.

IT IS SO ORDERED.

DATED this 7 day of ^{Aug} July, 2008.



Owen M. Panner
United States District Judge